

#EO-266  
DWW



Diana Wood/STB  
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To Russell.Holter@dahp.wa.gov,  
Stephenie.Kramer@dahp.wa.gov

cc

bcc

Subject YILA Rail Abandonment (AB-600 Sub No. 1X)

Dear Mr. Holter and Ms. Kramer:

I received your February 15, 2006 letter to Chairman Nober regarding the above referenced rail abandonment and wanted to discuss some of the aspects of the abandonment process with you in terms of the timing and language of your archaeological survey request.

In general, abandonments do not entail disturbing original ground. Rather, they require that tracks, ties, and other rail appurtenances be salvaged, but that the built-up roadbed be retained. While this generally precludes disturbing artifacts in the underlying (original) soil, in this proceeding, we imposed a cultural resources condition that requires the railroad to cease all salvage activities and consult with the SHPO, Tribes, and the STB in the event any cultural resources are found. I could amend the condition to require a survey in accordance with your request, but because the line will most likely be preserved, believe that minor changes to the existing 106 condition would cover your concerns (see below for details).

The Oregon Pacific & Eastern Railroad (OP&E) recently filed an offer of financial assistance (OFA) with the Surface Transportation Board to acquire the rail line and reactivate rail service. The OFA provisions reflect a Congressional desire to preserve, whenever possible, any prospect for continuing or resuming rail service on corridors that would otherwise be abandoned. OP&E's notice of intent presents the possibility of preserving rail service pursuant to the method prescribed by Congress. In addition, YILA and the County have presented a competing proposal to immediately initiate trail use followed in the future by rail service provided by an operator. Accordingly, both OP&E's and Yila's/County's proposals will preserve rail service and not disturb ground.

The current condition is as follows:

"The Washington Department of Archaeology & Historic Preservation (SHPO) has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, YILA shall retain its interest in and take no further steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f)."

The condition could be amended to the following:

"In the event YILA is unable to lease or sell the rail line for continued rail use and decides to salvage the line, prior to salvaging the line, YILA shall reinstate the Section 106 process and retain its interest in and take no further steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed on the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f)."

This should cover your area of concern. Please let me know if you concur, or have any comments or questions.

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